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081454Z Jan 04

C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000126

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DEPARTMENT FOR EUR/SE

E.O. 12958: DECL: 01/08/2009

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SUBJECT: POLICE REMOVED FROM HUMAN RIGHTS BOARDS UNDER NEW RULES

Classified by Deputy Political Counselor Charles O. Blaha;
reasons 1.5 (b) and (d).

1. (C) Summary: Under a new GOT regulation, police and Jandarma have been removed from the provincial and subprovincial Human Rights Boards, and the overall proportion of public officials on the boards has been reduced. The regulation also provides more specific guidelines on how the boards are supposed to function. The head of the Human Rights Presidency, who drafted the regulation, says the new rules are part of a broad effort to improve the GOT's human rights monitoring system. But NGO leaders complain they were not consulted, and argue the regulation does not go far enough in making the boards independent. End Summary.

Police, Jandarma Removed

2. (U) The GOT in November adopted a new regulation governing the operations of the provincial and subprovincial Human Rights Boards. Under the new rules, law enforcement agencies will no longer participate on the boards and there will be fewer public officials overall. The new regulation is much more detailed than the previous one, spelling out how the boards should conduct their duties. The author of the regulation, Vahit Bicak, appointed in October as head of the Human Rights Presidency of the Prime Ministry, told us the new language is designed to improve the efficiency of the widely criticized boards and build confidence among human rights observers. Under the previous regulation, the majority of board members were public officials, and human rights NGOs often refused to participate, accusing the boards of covering up abuses rather than exposing them. The new rules increase the proportion of elected officials and representatives of professional organizations and NGOs. The boards operate in all 81 provinces and 849 sub provinces. They are charged with: investigating human rights complaints and, when deemed appropriate, referring cases to the prosecutor's office; making recommendations to governors and law enforcement authorities on human rights issues; organizing public awareness and training programs; and issuing regular reports.

New Standards for Membership, Operations

3. (U) Key elements of the new regulation include:

-- Membership: Police and Jandarma representatives have been removed from the boards. Board meetings will be chaired by the governor or a deputy governor (who are appointed officials). Other members will include the mayor or deputy mayor (who are elected) and representatives from: political parties; bar associations; the Turkish Medical Association; provincial general assemblies; universities; the media; the Association of Mukhtars (elected officials who validate documents); school-parent unions; trade and industry organizations; and NGOs.

-- Complaints: All provincial and sub-provincial governors are required to establish a desk staffed by one full-time employee for receiving formal complaints of human rights abuses. In addition, the boards are required to install boxes in all public institutions and other locations for written complaints, and to enable applicants to submit complaints by telephone and email. Boards must respond to applicants in writing within 30 days of receiving a complaint.

-- Reporting: Boards are required to submit monthly reports on their activities to the Human Rights Presidency.

Broader Effort to Reform System

14. (U) Bicak, a law professor specializing in human rights, said the new regulation is part of a broader effort to give meaning to the boards and the Human Rights Presidency, which he said have generally been ineffective. In addition to the new regulation, he has developed a standardized form for reporting human rights abuses, in order to keep more detailed statistics. He has also divided the Human Rights Presidency into six departments and begun work on a Presidency website, where he plans to post the boards' monthly reports, which in the past have not been publicly released.

NGO Leaders Dissatisfied

15. (C) Human rights observers, however, are skeptical about the new regulation, and complain that they were not consulted. Emirali Turkmen, Human Rights Association secretary general, said to us that removing the police and

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Jandarma representatives is a positive step, but it falls short of what is needed -- truly independent boards. Like other NGO contacts, Turkmen criticized the regulation for maintaining the authority of unelected governors and subgovernors as board chairmen. Turkmen argued that the boards should elect their chairmen, and said the regulation should have specified which NGOs would provide members, to ensure that legitimate human rights groups are represented. Metin Bakkalci, secretary general of the Turkish Medical Association and deputy secretary general of the Human Rights Foundation, said he and his colleagues were "very saddened" that they were not consulted on the regulation. He noted that in addition to acting as chairmen, governors also retain the authority to name some of the other board members.

Comment

16. (C) FM Gul, the top GOT official responsible for human rights, personally asked Bicak to replace an ineffective predecessor as head of the Human Rights Presidency, according to our contacts. A long time Embassy contact, Bicak is sometimes seen as arrogant and aloof, which explains his failure to consult with human rights NGOs on this regulation. However, he is respected as an authority on human rights issues, and he is clearly trying to provide much-needed structure to a chaotic human rights monitoring system that to date has served as mere window-dressing. As an indication of the system's low status in the GOT, Bicak's office, part of the Prime Ministry, does not have a separate budget. And it is woefully underfunded -- Bicak has asked a number of embassies to donate 10 computers to supplement the two his office currently has.

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